

By: \_\_\_\_\_

*Madh*

S.B. No. 1896

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Val Verde County Groundwater Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

(1) "Board" means the board of directors of the district.

(2) "District" means the Val Verde County Groundwater Conservation District.

SECTION 2. CREATION. A groundwater conservation district, to be known as the Val Verde County Groundwater Conservation District, is created in Val Verde County, subject to approval at a confirmation election under Section 7 of this Act.

SECTION 3. FINDINGS OF BENEFIT. (a) The district is created to serve a public use and benefit.

(b) The district is created under and is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

(c) All of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by Section 59, Article XVI, Texas Constitution.

SECTION 4. CONTINUING PROVISIONS OF DISTRICT. Subtitle H,

1 Title 6, Special District Local Laws Code, is amended by adding  
2 Chapter 8804 to read as follows:

3 CHAPTER 8804. VAL VERDE COUNTY GROUNDWATER

4 CONSERVATION DISTRICT

5 SUBCHAPTER A. GENERAL PROVISIONS

6 Sec. 8804.001. DEFINITIONS. In this chapter:

7 (1) "Agricultural use" means any use or activity  
8 involving agriculture, including irrigation.

9 (2) "Agriculture" means any of the following  
10 activities:

11 (A) cultivating the soil to produce crops for  
12 human food, animal feed, or planting seed or for the production of  
13 fibers;

14 (B) the practice of floriculture, viticulture,  
15 silviculture, and horticulture, including the cultivation of  
16 plants in containers of nonsoil media, by a nursery grower;

17 (C) raising, feeding, or keeping animals, other  
18 than fish, for breeding purposes or for the production of food or  
19 fiber, leather, pelts, or other tangible products having a  
20 commercial value;

21 (D) planting cover crops, including cover crops  
22 cultivated for transplantation, or leaving land idle for the  
23 purpose of participating in any governmental program or normal crop  
24 or livestock rotation procedure;

25 (E) wildlife management; and

26 (F) raising or keeping equine animals.

27 (3) "Board" means the board of directors of the

1 district.

2 (4) "Director" means a member of the board.

3 (5) "District" means the Val Verde County Groundwater  
4 Conservation District.

5 (6) "Domestic use" means use in the district of water  
6 by a person owning the well from which the water is withdrawn and by  
7 that person's household for:

8 (A) drinking, washing, or culinary purposes;

9 (B) irrigation of lawns;

10 (C) irrigation of a family garden or orchard the  
11 produce of which is for household consumption only;

12 (D) swimming pools, decorative ponds, or  
13 fountains on the person's property; and

14 (E) watering of domestic animals not raised,  
15 maintained, or sold for commercial purposes.

16 (7) "Political subdivision" means a county,  
17 municipality, or other body politic or corporate of the state,  
18 including a district or authority created under Section 52, Article  
19 III, or Section 59, Article XVI, Texas Constitution, a state  
20 agency, or a nonprofit water supply corporation created under  
21 Chapter 67, Water Code.

22 Sec. 8804.002. NATURE OF DISTRICT. The district is a  
23 groundwater conservation district in Val Verde County created under  
24 Section 59, Article XVI, Texas Constitution.

25 Sec. 8804.003. DISTRICT PURPOSE. The district is created  
26 to:

27 (1) provide for the protection, recharging, and

1 prevention of waste of groundwater in the Val Verde County area;

2 (2) control subsidence caused by the withdrawal of  
3 water from the groundwater reservoirs in the Val Verde County area;

4 (3) regulate the transport of groundwater out of the  
5 boundaries of the district;

6 (4) maintain at least the minimum spring flow of San  
7 Felipe Springs based on the 1996 San Felipe Springs flow; and

8 (5) manage the issuance of permits for the transfer of  
9 groundwater by:

10 (A) requiring groundwater availability models of  
11 permit applicants; and

12 (B) using sustainable yield calculations to  
13 manage withdrawal of groundwater to protect the aquifer and springs  
14 in the district.

15 [Sections 8804.004-8804.050 reserved for expansion]

16 SUBCHAPTER B. TERRITORY

17 Sec. 8804.051. BOUNDARIES. The boundaries of the district  
18 are coextensive with the boundaries of Val Verde County, Texas.

19 [Sections 8804.052-8804.100 reserved for expansion]

20 SUBCHAPTER C. BOARD OF DIRECTORS

21 Sec. 8804.101. BOARD. The board consists of seven  
22 directors.

23 Sec. 8804.102. METHOD OF ELECTING DIRECTORS: COMMISSIONERS  
24 PRECINCTS. (a) The directors of the district shall be elected  
25 according to the commissioners precinct method as provided by this  
26 section.

27 (b) Three directors shall be elected by the voters of the

1 entire district, and one director shall be elected from each county  
2 commissioners precinct by the voters of that precinct.

3 (c) Except as provided by Subsection (e), to be eligible to  
4 be a candidate for or to serve as director at large, a person must be  
5 a registered voter in the district. To be a candidate for or to  
6 serve as director from a county commissioners precinct, a person  
7 must be a registered voter of that precinct.

8 (d) A person shall indicate on the application for a place  
9 on the ballot:

10 (1) the precinct that the person seeks to represent;  
11 or  
12 (2) that the person seeks to represent the district at  
13 large.

14 (e) When the boundaries of the county commissioners  
15 precincts are redrawn after each federal decennial census to  
16 reflect population changes, a director in office on the effective  
17 date of the change, or a director elected or appointed before the  
18 effective date of the change whose term of office begins on or after  
19 the effective date of the change, shall serve in the precinct from  
20 which elected or appointed even though the change in boundaries  
21 places the person's residence outside the precinct from which the  
22 person was elected or appointed.

23 Sec. 8804.103. ELECTION DATE. The district shall hold an  
24 election to elect the appropriate number of directors on the  
25 uniform election date prescribed by Section 41.001, Election Code,  
26 in November of each even-numbered year.

27 Sec. 8804.104. TERMS. (a) Directors serve staggered

1 four-year terms.

2 (b) A director may serve for consecutive terms.

3 Sec. 8804.105. COMPENSATION. (a) A director is not  
4 entitled to receive fees of office for performing the duties of a  
5 director.

6 (b) The board may authorize a director to receive  
7 reimbursement for the director's reasonable expenses incurred  
8 while engaging in activities outside the district on behalf of the  
9 board.

10 [Sections 8804.106-8804.150 reserved for expansion]

11 SUBCHAPTER D. POWERS AND DUTIES

12 Sec. 8804.151. POWERS AND DUTIES. Except as otherwise  
13 provided by this chapter, the district has all of the rights,  
14 powers, privileges, authority, functions, and duties provided by  
15 the general law of this state, including Chapter 36, Water Code,  
16 applicable to groundwater conservation districts created under  
17 Section 59, Article XVI, Texas Constitution.

18 Sec. 8804.152. PERMIT TO TRANSFER GROUNDWATER. (a) The  
19 district by rule shall:

20 (1) require a person to obtain a permit from the  
21 district to transfer groundwater out of the district; and

22 (2) regulate the terms of a transfer of groundwater  
23 out of the district.

24 (b) The district shall develop rules under this section  
25 that:

26 (1) are consistent with the requirements of Section  
27 36.122, Water Code;

1           (2) manage the issuance of permits using a sustainable  
2 yield calculation in which the sustainable yield of the aquifer is  
3 measured by calculating the average water withdrawal during a  
4 calendar year and determining that the average water withdrawal  
5 does not exceed the long-term recharge as determined by the Texas  
6 Water Development Board under Section 8804.161; and

7           (3) maintain at least the 1996 minimum spring flow of  
8 San Felipe Springs and at least the minimum flows of all other  
9 springs in the district as determined by the initial groundwater  
10 study conducted under Section 8804.161.

11           (c) The district shall use a groundwater availability  
12 model, and not historical use, as the basis for issuing permits.

13           (d) A permit issued under this section, except for a permit  
14 issued under Section 8804.153(a), does not establish historical  
15 use.

16           Sec. 8804.153. PERMITS FOR USE SOLELY INSIDE DISTRICT. (a)  
17 The district shall grant the City of Del Rio a permit in the city's  
18 name that authorizes the city to pump from all city wells a stated  
19 cumulative amount of not less than 15,000 acre-feet of water  
20 annually for use solely inside the district. If the study performed  
21 under Section 8804.162 finds that sufficient groundwater is  
22 available, the district shall amend the city's permit to authorize  
23 the city to pump from all city wells a stated cumulative amount of  
24 not less than 20,000 acre-feet of water annually for use solely  
25 inside the district. This subsection does not limit the City of Del  
26 Rio's right to apply for or obtain a permit to transfer groundwater  
27 under Section 8804.152.

1        (b) The district shall grant to a nonprofit rural water  
2 supply corporation, water district, or other political subdivision  
3 a permit that authorizes the water supply corporation, water  
4 district, or other political subdivision to pump from its wells  
5 annually a volume of water that is not less than the volume equal to  
6 twice its greatest water usage in a calendar year before the date  
7 the district is confirmed at an election held for that purpose, for  
8 use solely inside the district.

9        Sec. 8804.154. AGRICULTURAL USE PERMIT. (a) Except as  
10 provided by Section 8804.155, the district shall grant any  
11 application for an agricultural use permit for any well that is used  
12 solely for agricultural use inside the district. The district  
13 shall issue an agricultural use permit in an amount that is not less  
14 than five acre-feet of water per acre actually cultivated per year.  
15 An agricultural use permit is nontransferable and expires on the  
16 date the well ceases to be used solely for agricultural use inside  
17 the district.

18        (b) This section does not limit the well owner's right to  
19 apply for or obtain a permit to transfer groundwater under Section  
20 8804.152.

21        Sec. 8804.155. LIMITATION ON WELL PERMIT REQUIREMENTS. (a)  
22 The district may not require a person to obtain a permit from the  
23 district for:

24        (1) a well used solely for domestic use or for  
25 providing water for livestock or poultry on a tract of land smaller  
26 than 10 acres that is either drilled, completed, or equipped so that  
27 it is incapable of producing more than 30,000 gallons of



1 groundwater a day;

2 (2) a well used solely for domestic use or for  
3 providing water for livestock or poultry on a tract of land 10 acres  
4 or larger that is either drilled, completed, or equipped so that it  
5 is incapable of producing more than 50,000 gallons of groundwater a  
6 day; or

7 (3) any well in use before the date the district is  
8 confirmed at an election held for that purpose and used solely for  
9 agricultural use.

10 (b) The district shall require a permit for a well described  
11 by Subsection (a)(3) that ceases to be used solely for agricultural  
12 use. The district also may impose a fee on the well as provided by  
13 Section 8804.202(c)(1)(A).

14 (c) An owner of a well described by this section shall  
15 register the well with the district.

16 (d) A well owner is entitled to a permit exemption under  
17 this section only if water from the well is used solely inside the  
18 district. If water from a well is not used solely inside the  
19 district, the well owner must obtain a permit.

20 Sec. 8804.156. REPLACEMENT WELL. (a) A new well that  
21 replaces an abandoned or decommissioned well is subject to the same  
22 permit requirements or exemption as the well it replaces if the  
23 replacement well:

24 (1) is used solely for the same purposes as the well it  
25 replaces; and

26 (2) serves the same area as the well it replaces.

27 (b) The district may not require a person who repairs or

1 modifies a well to obtain a permit for that well if the well:

2 (1) is exempt under Section 8804.155; and

3 (2) continues to be used solely for agricultural use.

4 Sec. 8804.157. PROHIBITION ON DISTRICT PURCHASE, SALE,  
5 TRANSPORT, OR DISTRIBUTION OF WATER. The district may not  
6 purchase, sell, transport, or distribute surface water or  
7 groundwater for any purpose.

8 Sec. 8804.158. PROHIBITION ON DISTRICT USE OF EMINENT  
9 DOMAIN. The district may not exercise the power of eminent domain.

10 Sec. 8804.159. REGIONAL COOPERATION. To provide for  
11 regional continuity, the district shall:

12 (1) participate as needed in coordination meetings  
13 with other groundwater districts in its designated management area;

14 (2) coordinate the collection of data with other  
15 groundwater conservation districts in its designated management  
16 area in such a way as to achieve relative uniformity of data type  
17 and quality;

18 (3) coordinate efforts to monitor water quality with  
19 other groundwater conservation districts in its designated  
20 management area, local governments, and state agencies;

21 (4) provide groundwater level data to other  
22 groundwater conservation districts in its designated management  
23 area;

24 (5) investigate any groundwater or aquifer pollution  
25 with the intention of locating its source;

26 (6) notify other groundwater conservation districts  
27 in its designated management area and all appropriate agencies of

1 any groundwater pollution detected; and

2 (7) include other groundwater conservation districts  
3 in its designated management area on the mailing lists for district  
4 newsletters, seminars, public education events, news articles, and  
5 field days.

6 Sec. 8804.160. WATER CONSERVATION INITIATIVE. The district  
7 may create a water conservation initiative as described by Section  
8 11.32, Tax Code.

9 Sec. 8804.161. TEXAS WATER DEVELOPMENT BOARD STUDY. At  
10 least once every 10 years and at any other time the board considers  
11 necessary to implement Section 8804.152(b)(2), the staff of the  
12 Texas Water Development Board shall make a complete study of the  
13 groundwater in the district and determine:

14 (1) the water level;  
15 (2) the rates and amounts of groundwater withdrawal;  
16 (3) the rates and amounts by which the groundwater is  
17 recharged;  
18 (4) rainwater levels; and  
19 (5) other information relating to the sustainable  
20 yield of the aquifer under Section 8804.152(b)(2).

21 Sec. 8804.162. LOCAL STUDY OF GROUNDWATER AVAILABILITY.  
22 (a) Except as provided by Subsection (b), not later than the 10th  
23 anniversary of the date on which the district is confirmed, the  
24 district shall complete a study to determine whether there is  
25 sufficient groundwater to amend the permit granted under Section  
26 8804.153(a) to the City of Del Rio as authorized by Section  
27 8804.153(a).

1        (b) In place of the district's study, the City of Del Rio may  
2 perform a study of the groundwater availability in the district and  
3 the board may rely on the city's study if the city's study meets the  
4 criteria of the Texas Water Development Board study required by  
5 Section 8804.161.

6        Sec. 8804.163. MORATORIUM ON TRANSFER PERMITS. (a) The  
7 district shall impose a moratorium on the issuance of permits for  
8 the transfer of groundwater during each period set aside to conduct  
9 and consider a groundwater study under Section 8804.161.

10       (b) Except for the initial study, the district by rule shall  
11 specify the length of the period set aside to conduct and consider  
12 groundwater studies under Section 8804.161.

13       (c) The district may not issue a permit for the transfer of  
14 groundwater until:

15           (1) an initial groundwater study under Section  
16 8804.161 is completed and submitted to the district;

17           (2) the district determines the amount of groundwater  
18 needed to maintain the minimum flow of each spring in the district;  
19 and

20           (3) the district establishes by rule the amount of  
21 groundwater reserved solely to maintain minimum flows for all  
22 springs in the district.

23        [Sections 8804.164-8804.200 reserved for expansion]

24        SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

25       Sec. 8804.201. LIMITATION ON TAXES. (a) The district may  
26 not levy ad valorem taxes at a rate that exceeds five cents on each  
27 \$100 of assessed valuation of taxable property in the district.

1        (b) The district may not levy ad valorem taxes at a rate that  
2 exceeds 2-1/2 cents on each \$100 of assessed valuation of taxable  
3 property in the district for the first two tax years after the  
4 district's confirmation.

5        (c) Not later than the seventh anniversary of the date on  
6 which the district is confirmed, the district shall maintain in  
7 reserve at all times not less than six months and not more than two  
8 years of operating capital. If the district's reserve operating  
9 capital at any time exceeds the amount needed to operate the  
10 district for two years, the district must:

11            (1) reduce taxes so as not to collect more revenue than  
12 is needed to operate the district; or

13            (2) perform a recharge project with the excess  
14 revenue.

15        Sec. 8804.202. FEES. (a) The board by rule may impose  
16 reasonable fees on each well:

17            (1) for which a permit is issued by the district; and

18            (2) that is not exempt from district regulation.

19        (b) A production fee may be based on:

20            (1) the size of column pipe used by the well; or

21            (2) the amount of water actually withdrawn from the  
22 well, or the amount authorized or anticipated to be withdrawn.

23        (c) The board shall base the initial production fee on the  
24 criteria listed in Subsection (b)(2). The initial production fee:

25            (1) may not exceed:

26            (A) \$0.25 per acre-foot for water used for  
27 agricultural irrigation; or

1                    (B) \$0.0425 per thousand gallons for water used  
2 for any other purpose; and

3                    (2) may be increased at a cumulative rate not to exceed  
4 three percent per year.

5                    (d) In addition to the production fee authorized under this  
6 section, the district may assess an export fee on groundwater from a  
7 well that is produced for transport outside the district.

8                    (e) Fees authorized by this section may be:

9                    (1) assessed annually or monthly; and

10                   (2) used to pay the cost of district operations.

11                   Sec. 8804.203. EXEMPTION FROM FEES. (a) Except as provided  
12 by Subsection (b), the district may not impose a fee on a well  
13 drilled by a nonprofit rural water supply corporation, water  
14 district, or other political subdivision if the well's production  
15 is for use within the district.

16                   (b) The district by emergency order of the board may impose  
17 a reasonable and temporary production fee on a well described by  
18 Subsection (a) if:

19                   (1) severe drought or another district emergency makes  
20 the fee necessary; and

21                   (2) the term of the order does not exceed 180 days.

22                   SECTION 5. APPOINTMENT OF TEMPORARY DIRECTORS. (a) Not  
23 later than the 45th day after the effective date of this Act:

24                   (1) the Val Verde County Commissioners Court shall  
25 appoint one temporary director from each of the four commissioners  
26 precincts in the county to represent the precinct in which the  
27 temporary director resides;

1           (2) the county judge of Val Verde County shall appoint  
2 one temporary director who resides in the district to represent the  
3 district at large; and

4           (3) the Del Rio City Council shall appoint two  
5 temporary directors, each of whom resides in the district, to  
6 represent the district at large.

7           (b) Of the temporary directors, at least one director must  
8 represent rural water suppliers in the district, one must represent  
9 agricultural interests in the district, one must represent  
10 industrial interests in the district, and one must represent  
11 municipal water suppliers.

12          (c) If there is a vacancy on the temporary board of  
13 directors of the district, the remaining temporary directors shall  
14 appoint a person to fill the vacancy in a manner that meets the  
15 representational requirements of this section.

16          (d) Temporary directors serve until temporary directors  
17 become initial directors as provided by Section 8 of this Act or  
18 this Act expires under Section 12, whichever occurs earlier.

19          SECTION 6. ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS.  
20 As soon as practicable after all the temporary directors have  
21 qualified under Section 36.055, Water Code, a majority of the  
22 temporary directors shall convene the organizational meeting of the  
23 district at a location within the district agreeable to a majority  
24 of the directors. If no location can be agreed upon, the  
25 organizational meeting shall be at the Val Verde County Courthouse.

26          SECTION 7. CONFIRMATION ELECTION. (a) The temporary  
27 directors shall hold an election to confirm the creation of the

1 district.

2 (b) Section 41.001(a), Election Code, does not apply to a  
3 confirmation election held as provided by this section.

4 (c) Except as provided by this section, a confirmation  
5 election must be conducted as provided by Sections 36.017(b)-(i),  
6 Water Code, and the Election Code.

7 (d) The district may hold a subsequent confirmation  
8 election if the previous confirmation election fails to pass. A  
9 subsequent confirmation election may not be held sooner than one  
10 year after the date of the previous confirmation election.

11 (e) The confirmation election ballot shall be printed to  
12 permit voting for or against the proposition: "To create the Val  
13 Verde County Groundwater Conservation District and to authorize the  
14 district to impose an ad valorem tax at a rate not to exceed 5 cents  
15 for each \$100 valuation of all taxable property in the district with  
16 no more than a 2.5-cent tax for each \$100 valuation of all taxable  
17 property in the district for the first two tax years after the  
18 district's confirmation."

19 (f) If the establishment of the district is not confirmed at  
20 an election held under this section before September 1, 2010, the  
21 district is dissolved, except that:

22 (1) any debts incurred shall be paid;

23 (2) any assets that remain after the payment of debts  
24 shall be transferred to Val Verde County; and

25 (3) the organization of the district shall be  
26 maintained until all debts are paid and remaining assets are  
27 transferred.



1           SECTION 8. INITIAL DIRECTORS. If creation of the district  
2 is confirmed at an election held under Section 7 of this Act, the  
3 temporary directors of the district become the initial directors of  
4 the district and serve on the board of directors until permanent  
5 directors are elected under Section 9 of this Act.

6           SECTION 9. ELECTION OF PERMANENT DIRECTORS. (a) The  
7 initial directors serve until the first regularly scheduled  
8 election of directors under Subsection (b) of this section.

9           (b) On the uniform election date prescribed by Section  
10 41.001, Election Code, in November of the first even-numbered year  
11 after the year in which the district is authorized to be created at  
12 a confirmation election, an election shall be held in the district  
13 for the election of seven directors. The elected directors shall  
14 draw lots to determine which three directors shall serve terms  
15 lasting until the first regularly scheduled election under Section  
16 8804.103, Special District Local Laws Code, as added by this Act,  
17 and which four shall serve until the second regularly scheduled  
18 directors election.

19          SECTION 10. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.  
20 (a) The legal notice of the intention to introduce this Act,  
21 setting forth the general substance of this Act, has been published  
22 as provided by law, and the notice and a copy of this Act have been  
23 furnished to all persons, agencies, officials, or entities to which  
24 they are required to be furnished under Section 59, Article XVI,  
25 Texas Constitution, and Chapter 313, Government Code.

26          (b) The governor has submitted the notice and Act to the  
27 Texas Commission on Environmental Quality.

1 (c) The Texas Commission on Environmental Quality has filed  
2 its recommendations relating to this Act with the governor, the  
3 lieutenant governor, and the speaker of the house of  
4 representatives within the required time.

5 (d) All requirements of the constitution and laws of this  
6 state and the rules and procedures of the legislature with respect  
7 to the notice, introduction, and passage of this Act are fulfilled  
8 and accomplished.

9 SECTION 11. STUDY COMPLETION. Not later than the 180th day  
10 after the date the district is confirmed at an election held for  
11 that purpose, the Texas Water Development Board shall complete the  
12 initial study required by Section 8804.161, Special District Local  
13 Laws Code, as added by this Act, and deliver the findings of the  
14 study to the board.

15 SECTION 12. EXPIRATION. (a) If the creation of the  
16 district is not confirmed at a confirmation election held under  
17 Section 7 of this Act before September 1, 2010, this Act expires on  
18 that date.

19 (b) The expiration of this Act does not affect the liability  
20 of the district to pay any debt incurred or the transfer of any  
21 assets remaining to Val Verde County as required by Section 7(f) of  
22 this Act.

23 SECTION 13. EFFECTIVE DATE. This Act takes effect  
24 immediately if it receives a vote of two-thirds of all the members  
25 elected to each house, as provided by Section 39, Article III, Texas  
26 Constitution. If this Act does not receive the vote necessary for  
27 immediate effect, this Act takes effect September 1, 2005.

## **BILL ANALYSIS**

Senate Research Center  
79R2202 SGA-F

S.B. 1896  
By: Madla  
Intergovernmental Relations  
5/10/2005  
As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Texas faces a difficult challenge to develop water policies that serve state and regional interests. The Texas Constitution authorizes the creation of groundwater districts to plan, develop, and regulate the use of water. As proposed, S.B. 1896 creates the Val Verde County Groundwater Conservation District, subject to approval at a confirmation election, to manage Val Verde's groundwater resources.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Val Verde County Groundwater Conservation District in SECTION 4 (Sections 8804.152, 8804.163, and 8804.202, Special District Local Laws Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. DEFINITIONS. Defines "board" and "district."

SECTION 2. CREATION. Provides that a groundwater conservation district, to be known as the Val Verde County Groundwater Conservation District (district), is created in Val Verde County, subject to approval at a confirmation election under Section 7 of this Act.

SECTION 3. FINDINGS OF BENEFIT. Sets forth the purposes and benefits of the district.

SECTION 4. CONTINUING PROVISIONS OF DISTRICT. Amends Subtitle H, Title 6, Special District Local Laws Code, by adding Chapter 8804, as follows:

#### **CHAPTER 8804. VAL VERDE COUNTY GROUNDWATER CONSERVATION DISTRICT**

##### **SUBCHAPTER A. GENERAL PROVISIONS**

Sec. 8804.001. DEFINITIONS. Defines "agricultural use," "agriculture," "board," "director," "district," "domestic use," and "political subdivision."

Sec. 8804.002. NATURE OF DISTRICT. Provides that the district is a groundwater conservation district in Val Verde County created under Section 59 (Conservation and Development of Natural Resources and parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI, Texas Constitution.

Sec. 8804.003. DISTRICT PURPOSE. Sets forth the purposes of the district.

[Reserves Sections 8804.004-8804.050 for expansion.]

##### **SUBCHAPTER B. TERRITORY**

Sec. 8804.051. BOUNDARIES. Provides that the boundaries of the district are coextensive with the boundaries of Val Verde County, Texas.

[Reserves Sections 8804.052-8804.100 for expansion.]

## SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 8804.101. BOARD. Provides that the board of directors of the district (board) consists of seven directors.

Sec. 8804.102. METHOD OF ELECTING DIRECTORS: COMMISSIONERS PRECINCTS. (a) Requires the directors of the district to be elected according to the commissioners precinct method as provided by this section.

(b) Requires three directors to be elected by the voters of the entire district, and one director to be elected from each county commissioners precinct by the voters of that precinct.

(c) Requires a person, except as provided by Subsection (e), to be eligible to be a candidate for or to serve as director at large, to be a registered voter in the district. Requires a person to be a registered voter of that precinct to be a candidate for or to serve as director from a county commissioners precinct.

(d) Requires a person to make certain indications on the application for a place on the ballot.

(e) Requires, when the boundaries of the county commissioners precincts are redrawn after each federal decennial census to reflect population changes, a director in office on the effective date of the change, or a director elected or appointed before the effective date of the change whose term of office begins on or after the effective date of the change, to serve in the precinct from which elected or appointed even though the change in boundaries places the person's residence outside the precinct from which the person was elected or appointed.

Sec. 8804.103. ELECTION DATE. Requires the district to hold an election to elect the appropriate number of directors on the uniform election date prescribed by Section 41.001 (Uniform Election Dates), Election Code, in November of each even-numbered year.

Sec. 8804.104. TERMS. (a) Provides that directors serve staggered four-year terms.

(b) Authorizes a director to serve for consecutive terms.

Sec. 8804.105. COMPENSATION. (a) Provides that a director is not entitled to receive fees of office for performing the duties of a director.

(b) Authorizes the board to authorize a director to receive reimbursement for the director's reasonable expenses incurred while engaging in activities outside the district on behalf of the board.

[Reserves Sections 8804.106-8804.150 for expansion.]

## SUBCHAPTER D. POWERS AND DUTIES

Sec. 8804.151. POWERS AND DUTIES. Provides that except as otherwise provided by this chapter, the district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36 (Groundwater Conservation Districts), Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8804.152. PERMIT TO TRANSFER GROUNDWATER. (a) Requires the district by rule to require a person to obtain a permit from the district to transfer groundwater out of the district and regulate the terms of a transfer of groundwater out of the district.

(b) Sets forth certain requirements for rules developed under this section.

(c) Requires the district to use a groundwater availability model, and not historical use, as the basis for issuing permits.

(d) Provides that a permit issued under this section, except for a permit issued under Section 8804.153(a), does not establish historical use.

Sec. 8804.153. PERMITS FOR USE SOLELY INSIDE DISTRICT. (a) Requires the district to grant the City of Del Rio (city) a permit in the city's name that authorizes the city to pump from all city wells a stated cumulative amount of not less than 15,000 acre-feet of water annually for use solely inside the district. Requires the district to amend the city's permit to authorize the city to pump from all city wells a stated cumulative amount of not less than 20,000 acre-feet of water annually for use solely inside the district if the study performed under Section 8804.162 finds that sufficient groundwater is available. Provides that this subsection does not limit the city's right to apply for or obtain a permit to transfer groundwater under Section 8804.152.

(b) Requires the district to grant to a nonprofit rural water supply corporation, water district, or other political subdivision a permit that authorizes the water supply corporation, water district, or other political subdivision to pump from its wells annually a volume of water that is not less than the volume equal to twice its greatest water usage in a calendar year before the date the district is confirmed at an election held for that purpose, for use solely inside the district.

Sec. 8804.154. AGRICULTURAL USE PERMIT. (a) Requires, except as provided by Section 8804.155, the district to grant any application for an agricultural use permit for any well that is used solely for agricultural use inside the district. Requires the district to issue an agricultural use permit in an amount that is not less than five acre-feet of water per acre actually cultivated per year. Provides that an agricultural use permit is nontransferable and expires on the date the well ceases to be used solely for agricultural use inside the district.

(b) Provides that this section does not limit the well owner's right to apply for or obtain a permit to transfer groundwater under Section 8804.152.

Sec. 8804.155. LIMITATION ON WELL PERMIT REQUIREMENTS. (a) Prohibits the district from requiring a person to obtain a permit from the district for certain purposes.

(b) Requires the district to require a permit for certain wells that cease to be used solely for agricultural use. Authorizes the district to impose a fee on the well in a certain manner.

(c) Requires an owner of a well described by this section to register the well with the district.

(d) Entitles a well owner to a permit exemption under this section only if water from the well is used solely inside the district. Requires the well owner to obtain a permit if water from a well is not used solely inside the district.

Sec. 8804.156. REPLACEMENT WELL. (a) Provides that a new well that replaces an abandoned or decommissioned well is subject to the same permit requirements or exemption as the well it replaces if the replacement well meets certain specifications.

(b) Prohibits the district from requiring a person who repairs or modifies a well to obtain a permit for certain wells.

Sec. 8804.157. PROHIBITION ON DISTRICT PURCHASE, SALE, TRANSPORT, OR DISTRIBUTION OF WATER. Prohibits the district from purchasing, selling, transporting, or distributing surface water or groundwater for any purpose.

Sec. 8804.158. PROHIBITION ON DISTRICT USE OF EMINENT DOMAIN. Prohibits the district from exercising the power of eminent domain.

Sec. 8804.159. REGIONAL COOPERATION. Requires the district to take certain steps to provide for regional continuity.

Sec. 8804.160. WATER CONSERVATION INITIATIVE. Authorizes the district to create a water conservation initiative as described by Section 11.32, Tax Code.

Sec. 8804.161. TEXAS WATER DEVELOPMENT BOARD STUDY. Requires the staff of the Texas Water Development Board (TWDB), at least once every 10 years and at any other time the board considers necessary to implement certain rules, to make a complete study of the groundwater in the district and make certain determinations.

Sec. 8804.162. LOCAL STUDY OF GROUNDWATER AVAILABILITY. (a) Requires, except as provided by Subsection (b), not later than the 10th anniversary of the date on which the district is confirmed, the district to complete a study to determine whether there is sufficient groundwater to amend the permit granted under Section 8804.153(a) to the city as authorized by Section 8804.153(a).

(b) Authorizes the city, in place of the district's study, to perform a study of the groundwater availability in the district and provides that the board may rely on the city's study if the city's study meets the criteria of the TWDB study required by Section 8804.161.

Sec. 8804.163. MORATORIUM ON TRANSFER PERMITS. (a) Requires the district to impose a moratorium on the issuance of permits for the transfer of groundwater during each period set aside to conduct and consider a groundwater study under Section 8804.161.

(b) Requires the district, except for the initial study, by rule to specify the length of the period set aside to conduct and consider groundwater studies under Section 8804.161.

(c) Prohibits the district from issuing a permit for the transfer of groundwater until certain conditions are met.

[Reserves Sections 8804.164-8804.200 for expansion.]

#### SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 8804.201. LIMITATION ON TAXES. (a) Prohibits the district from levying ad valorem taxes at a rate that exceeds five cents on each \$100 of assessed valuation of taxable property in the district.

(b) Prohibits the district from levying ad valorem taxes at a rate that exceeds 2-1/2 cents on each \$100 of assessed valuation of taxable property in the district for the first two tax years after the district's confirmation.

(c) Requires the district, not later than the seventh anniversary of the date on which the district is confirmed, to maintain in reserve at all times not less than six months and not more than two years of operating capital. Sets certain requirements of the district's reserve operating capital at any time exceeds the amount needed to operate the district for two years.

Sec. 8804.202. FEES. (a) Authorizes the board by rule to impose reasonable fees on certain wells.

(b) Authorizes the production fee to be based on certain information.

(c) Requires the board to base the initial production fee on certain criteria. Prohibits the initial production fee from exceeding certain limits.

(d) Authorizes, in addition to the production fee authorized under this section, the district to assess an export fee on groundwater from a well that is produced for transport outside the district.

(e) Sets forth certain guidelines for fees authorized by this section.

Sec. 8804.203. EXEMPTION FROM FEES. (a) Prohibits the district, except as provided by Subsection (b), from imposing a fee on a well drilled by a nonprofit rural water supply corporation, water district, or other political subdivision if the well's production is for use within the district.

(b) Authorizes the district by emergency order of the board to impose a reasonable and temporary production fee on a well described by Subsection (a) under certain conditions.

SECTION 5. APPOINTMENT OF TEMPORARY DIRECTORS. (a) Requires certain steps to be taken pertaining to the appointment of temporary directors not later than the 45th day after the effective date of this Act.

(b) Requires, of the temporary directors, at least one director to represent rural water suppliers in the district, one to represent agricultural interests in the district, one to represent industrial interests in the district, and one to represent municipal water suppliers.

(c) Requires, if there is a vacancy on the temporary board of directors of the district, the remaining temporary directors to appoint a person to fill the vacancy in a manner that meets the representational requirements of this section.

(d) Provides that temporary directors serve until temporary directors become initial directors as provided by Section 8 of this Act or this Act expires under Section 12, whichever occurs earlier.

SECTION 6. ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS. Requires, as soon as practicable after all the temporary directors have qualified under Section 36.055, Water Code, a majority of the temporary directors to convene the organizational meeting of the district at a location within the district agreeable to a majority of the directors. Requires, if no location can be agreed upon, the organizational meeting to be at the Val Verde County Courthouse.

SECTION 7. CONFIRMATION ELECTION. (a) Requires the temporary directors to hold an election to confirm the creation of the district.

(b) Provides that Section 41.001(a), Election Code, does not apply to a confirmation election held as provided by this section.

(c) Requires, except as provided by this section, a confirmation election to be conducted as provided by Sections 36.017(b)-(i), Water Code, and the Election Code.

(d) Authorizes the district to hold a subsequent confirmation election if the previous confirmation election fails to pass. Prohibits a subsequent confirmation election from being held sooner than one year after the date of the previous confirmation election.

(e) Requires the confirmation election ballot to be printed to permit voting for or against the proposition. Sets forth specific language of proposition.

(f) Provides that if the establishment of the district is not confirmed at an election held under this section before September 1, 2010, the district is dissolved. Sets forth certain guidelines for the dissolution of the district.

SECTION 8. INITIAL DIRECTORS. Provides that if creation of the district is confirmed at an election held under Section 7 of this Act, the temporary directors of the district become the initial directors of the district and serve on the board of directors until permanent directors are elected under Section 9 of this Act.

SECTION 9. ELECTION OF PERMANENT DIRECTORS. (a) Provides that the initial directors serve until the first regularly scheduled election of directors under Subsection (b) of this section.

(b) Requires, on the uniform election date prescribed by Section 41.001, Election Code, in November of the first even-numbered year after the year in which the district is authorized to be created at a confirmation election, an election to be held in the district for the election of seven directors. Requires the elected directors to draw lots to determine which three directors are required to serve terms lasting until the first regularly scheduled election under Section 8804.103, Special District Local Laws Code, as added by this Act, and which four are required to serve until the second regularly scheduled directors election.

SECTION 10. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. Provides that all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice introduction, and passage of this Act are fulfilled and accomplished.

SECTION 11. STUDY COMPLETION. Requires that not later than the 180th day after the date the district is confirmed at an election held for that purpose, the Texas Water Development Board complete the initial study required by Section 8804.161, Special District Local Laws Code, as added by this Act, and deliver the findings of the study to the board.

SECTION 12. EXPIRATION. (a) Provides that if the creation of the district is not confirmed at a confirmation election held under Section 7 of this Act before September 1, 2010, this Act expires on that date.

(b) Provides that the expiration of this Act does not affect the liability of the district to pay any debt incurred or the transfer of any assets remaining to Val Verde County as required by Section 7(f) of this Act.

SECTION 13. EFFECTIVE DATE. Effective date: upon passage or September 1, 2005.

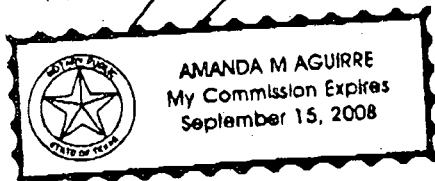


THE STATE OF TEXAS  
COUNTY OF VAL VERDE

PO# or Sort: \_\_\_\_\_

Company Pete Gallego**AFFIDAVIT**

Before me, the undersigned authority, on this day personally appeared Mario Aguirre known to me, who, being by me duly sworn, on his oath deposes and says that he is the Advertising Manager of the Del Rio News-Herald a newspaper of general circulation published in said county; that said newspaper has been continuously and regularly published in said County for a period of more than one year; that a copy of the within and foregoing notice was published in said newspaper at least once a week for a period of 1 time(s) before the return day named herein, such publication being on the following date(s): 01/13/05



Notary Public in and for Val Verde County, Texas:

Mario Aguirre  
Mario Aguirre

Amanda Aguirre  
Amanda Aguirre

P. O. Box 1544, Del Rio, Texas 78841

The Court has authority in this suit to render an order in the child's interest that will be binding on you, including the termination of the parent-child relationship, the determination of paternity, and the appointment of a conservator with authority to consent to the child's adoption. Issued and given under my hand and seal of said Court at Del Rio, Texas, this 6th day of January A.D. 2005.



*Martha Mitchell*  
 MARTHA MITCHELL  
 Clerk of the District Courts  
 Val Verde County, Texas  
 P. O. Box 1544, Del Rio, Texas 78841

P. O. Box 1544, Del Rio, Texas 78841

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*Martha Mitchell*  
 MARTHA MITCHELL  
 Clerk of the District Courts  
 Val Verde County, Texas  
 P. O. Box 1544, Del Rio, Texas 78841

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## PUBLIC NOTICE

This is to give notice of intent to introduce in the 79th Texas Legislature, Regular Session, a bill to be entitled "An Act relating to the creation, administration, powers, duties, operation, and financing of the Val Verde County Groundwater Conservation District."

Found dog off Cantu Rd. You Years Eve. No tag, call to identify 765-7307.

Lost Yorkie, at Wagon Wheel Road area. Call 734-1904. Reward!!!

Lost 009

Lost wallet at H-E-B area 1/5/05. Includes important information. Please call 768-2148.

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1-1 By: Madla S.B. No. 1896  
1-2 (In the Senate - Filed May 9, 2005; May 9, 2005, read first  
1-3 time and referred to Committee on Intergovernmental Relations;  
1-4 May 16, 2005, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 5, Nays 0; May 16, 2005,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1896 By: Madla

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the creation, administration, powers, duties,  
1-11 operation, and financing of the Val Verde County Groundwater  
1-12 Conservation District.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. DEFINITIONS. In this Act:

1-15 (1) "Board" means the board of directors of the  
1-16 district.

1-17 (2) "Director" means a member of the board.

1-18 (3) "District" means the Val Verde County Groundwater  
1-19 Conservation District.

1-20 SECTION 2. CREATION. A groundwater conservation district,  
1-21 to be known as the Val Verde County Groundwater Conservation  
1-22 District, is created in Val Verde County, subject to approval at a  
1-23 confirmation election under Section 8 of this Act.

1-24 SECTION 3. FINDINGS OF BENEFIT. (a) The district is  
1-25 created to serve a public use and benefit.

1-26 (b) The district is created under and is essential to  
1-27 accomplish the purposes of Section 59, Article XVI, Texas  
1-28 Constitution.

1-29 (c) All of the land and other property included within the  
1-30 boundaries of the district will be benefited by the works and  
1-31 projects that are to be accomplished by the district under powers  
1-32 conferred by Section 59, Article XVI, Texas Constitution.

1-33 SECTION 4. CONTINUING PROVISIONS OF DISTRICT. Subtitle H,  
1-34 Title 6, Special District Local Laws Code, is amended by adding  
1-35 Chapter 8804 to read as follows:

1-36 CHAPTER 8804. VAL VERDE COUNTY GROUNDWATER  
1-37 CONSERVATION DISTRICT

1-38 SUBCHAPTER A. GENERAL PROVISIONS

1-39 Sec. 8804.001. DEFINITIONS. In this chapter:

1-40 (1) "Agricultural use" means any use or activity  
1-41 involving agriculture, including irrigation.

1-42 (2) "Agriculture" means any of the following  
1-43 activities:

1-44 (A) cultivating the soil to produce crops for  
1-45 human food, animal feed, or planting seed or for the production of  
1-46 fibers;

1-47 (B) the practice of floriculture, viticulture,  
1-48 silviculture, and horticulture, including the cultivation of  
1-49 plants in containers of nonsoil media, by a nursery grower;

1-50 (C) raising, feeding, or keeping animals, other  
1-51 than fish, for breeding purposes or for the production of food or  
1-52 fiber, leather, pelts, or other tangible products having a  
1-53 commercial value;

1-54 (D) planting cover crops, including cover crops  
1-55 cultivated for transplantation, or leaving land idle for the  
1-56 purpose of participating in any governmental program or normal crop  
1-57 or livestock rotation procedure;

1-58 (E) wildlife management; and

1-59 (F) raising or keeping equine animals.

1-60 (3) "Board" means the board of directors of the  
1-61 district.

1-62 (4) "Director" means a member of the board.

1-63 (5) "District" means the Val Verde County Groundwater

Conservation District.

(6) "Domestic use" means use in the district of water by a person owning the well from which the water is withdrawn and by that person's household for:

- (A) drinking, washing, or culinary purposes;
- (B) irrigation of lawns;
- (C) irrigation of a family garden or orchard the produce of which is for household consumption only;
- (D) swimming pools, decorative ponds, or fountains on the person's property; and
- (E) watering of domestic animals not raised, maintained, or sold for commercial purposes.

(7) "Political subdivision" means a county, municipality, or other body politic or corporate of the state, including a district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, a state agency, or a nonprofit water supply corporation created under Chapter 67, Water Code.

Sec. 8804.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Val Verde County created under Section 59, Article XVI, Texas Constitution.

Sec. 8804.003. DISTRICT PURPOSE. The district is created to:

- (1) provide for the protection, recharging, and prevention of waste of groundwater in Val Verde County;
- (2) control subsidence caused by the withdrawal of water from the groundwater reservoirs in Val Verde County;
- (3) regulate the transport of groundwater out of the boundaries of the district;
- (4) manage the issuance of permits for the transfer of groundwater by requiring groundwater availability models of permit applicants; and
- (5) protect water quality.

[Sections 8804.004-8804.050 reserved for expansion]

#### SUBCHAPTER B. TERRITORY

Sec. 8804.051. BOUNDARIES. The boundaries of the district are coextensive with the boundaries of Val Verde County, Texas.

[Sections 8804.052-8804.100 reserved for expansion]

#### SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 8804.101. BOARD. The board consists of seven directors.

Sec. 8804.102. METHOD OF ELECTING DIRECTORS: COMMISSIONERS PRECINCTS. (a) The directors of the district shall be elected according to the commissioners precinct method as provided by this section.

(b) Three directors shall be elected by the voters of the entire district, and one director shall be elected from each county commissioners precinct by the voters of that precinct.

(c) Except as provided by Subsection (e), to be eligible to be a candidate for or to serve as director at large, a person must be a registered voter in the district. To be a candidate for or to serve as director from a county commissioners precinct, a person must be a registered voter of that precinct.

(d) A person shall indicate on the application for a place on the ballot:

- (1) the precinct that the person seeks to represent;
- or
- (2) that the person seeks to represent the district at large.

(e) When the boundaries of the county commissioners precincts are redrawn after each federal decennial census to reflect population changes, a director in office on the effective date of the change, or a director elected or appointed before the effective date of the change whose term of office begins on or after the effective date of the change, shall serve in the precinct from which elected or appointed even if the change in boundaries places the person's residence outside the precinct from which the person was elected or appointed.

Sec. 8804.103. ELECTION DATE. The district shall hold an

election to elect the appropriate number of directors on the uniform election date prescribed by Section 41.001, Election Code, in November of each even-numbered year.

Sec. 8804.104. TERMS. (a) Directors serve staggered four-year terms.

(b) A director may serve for consecutive terms.

Sec. 8804.105. COMPENSATION. (a) A director is not entitled to receive fees of office for performing the duties of a director.

(b) The board may authorize a director to receive reimbursement for the director's reasonable expenses incurred while engaging in activities outside the district on behalf of the board.

[Sections 8804.106-8804.150 reserved for expansion]

#### SUBCHAPTER D. POWERS AND DUTIES

Sec. 8804.151. POWERS AND DUTIES. Except as otherwise provided by this chapter, the district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8804.152. PERMIT TO TRANSFER GROUNDWATER. (a) The district by rule shall:

(1) require a person to obtain a permit from the district to transfer groundwater out of the district; and

(2) regulate the terms of a transfer of groundwater out of the district.

(b) The district shall develop rules under this section that are consistent with the requirements of Section 36.122, Water Code.

(c) The district shall use a groundwater availability model, and not historical use, as the basis for issuing permits.

(d) A permit issued under this section, except for a permit issued under Section 8804.153(a), does not establish historical use.

(e) In the event of a conflict between the information provided by the groundwater study conducted under Section 8804.161 and the recommendations submitted under Section 8804.164 regarding the minimum flow requirements for any spring in the district, the determination of the Texas Water Development Board study under Section 8804.161 controls for purposes of development of rules under this section.

Sec. 8804.153. PERMITS FOR USE SOLELY INSIDE DISTRICT. (a) The district shall grant the City of Del Rio a permit in the city's name that authorizes the city to pump from all city wells a stated cumulative amount of not less than 15,000 acre-feet of water annually for use solely inside the district. If the study performed under Section 8804.162 finds that sufficient groundwater is available, the district shall amend the city's permit to authorize the city to pump from all city wells a stated cumulative amount of not less than 20,000 acre-feet of water annually for use solely inside the district. This subsection does not limit the City of Del Rio's right to apply for or obtain a permit to transfer groundwater under Section 8804.152.

(b) The district shall grant to a nonprofit rural water supply corporation, water district, or other political subdivision a permit that authorizes the water supply corporation, water district, or other political subdivision to pump from its wells annually a volume of water that is not less than the volume equal to twice its greatest water usage in a calendar year before the date the district is confirmed at an election held for that purpose, for use solely inside the district.

Sec. 8804.154. AGRICULTURAL USE PERMIT. (a) Except as provided by Section 8804.155, the district shall grant any application for an agricultural use permit for any well that is used solely for agricultural use inside the district. The district shall issue an agricultural use permit in an amount that is not less than five acre-feet of water per acre actually cultivated per year. An agricultural use permit is nontransferable and expires on the date the well ceases to be used solely for agricultural use inside

the district.

(b) This section does not limit the well owner's right to apply for or obtain a permit to transfer groundwater under Section 8804.152.

Sec. 8804.155. LIMITATION ON WELL PERMIT REQUIREMENTS.

(a) The district may not require a person to obtain a permit from the district for:

(1) a well used solely for domestic use or for providing water for livestock or poultry on a tract of land smaller than 10 acres that is either drilled, completed, or equipped so that it is incapable of producing more than 30,000 gallons of groundwater a day;

(2) a well used solely for domestic use or for providing water for livestock or poultry on a tract of land 10 acres or larger that is either drilled, completed, or equipped so that it is incapable of producing more than 50,000 gallons of groundwater a day; or

(3) any well in use before the date the district is confirmed at an election held for that purpose and used solely for agricultural use.

(b) The district shall require a permit for a well described by Subsection (a)(3) that ceases to be used solely for agricultural use. The district also may impose a fee on the well as provided by Section 8804.202(c)(1)(A).

(c) An owner of a well described by this section shall register the well with the district.

(d) A well owner is entitled to a permit exemption under this section only if water from the well is used solely inside the district. If water from a well is not used solely inside the district, the well owner must obtain a permit.

Sec. 8804.156. REPLACEMENT WELL. (a) A new well that replaces an abandoned or decommissioned well is subject to the same permit requirements or exemption as the well it replaces if the replacement well:

(1) is used solely for the same purposes as the well it replaces; and

(2) serves the same area as the well it replaces.

(b) The district may not require a person who repairs or modifies a well to obtain a permit for that well if the well:

(1) is exempt under Section 8804.155; and

(2) continues to be used solely for agricultural use.

Sec. 8804.157. PROHIBITION ON DISTRICT PURCHASE, SALE, TRANSPORT, OR DISTRIBUTION OF WATER. The district may not purchase, sell, transport, or distribute surface water or groundwater for any purpose.

Sec. 8804.158. PROHIBITION ON DISTRICT USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain.

Sec. 8804.159. REGIONAL COOPERATION. To provide for regional continuity, the district shall:

(1) participate as needed in coordination meetings with other groundwater conservation districts in its designated management area;

(2) coordinate the collection of data with other groundwater conservation districts in its designated management area in such a way as to achieve relative uniformity of data type and quality;

(3) coordinate efforts to monitor water quality with other groundwater conservation districts in its designated management area, local governments, and state agencies;

(4) provide groundwater level data to other groundwater conservation districts in its designated management area;

(5) investigate any groundwater or aquifer pollution with the intention of locating its source;

(6) notify other groundwater conservation districts in its designated management area and all appropriate agencies of any groundwater pollution detected; and

(7) include other groundwater conservation districts in its designated management area on the mailing lists for district

newsletters, seminars, public education events, news articles, and field days.

Sec. 8804.160. WATER CONSERVATION INITIATIVE. The district may create a water conservation initiative as described by Section 11.32, Tax Code.

Sec. 8804.161. TEXAS WATER DEVELOPMENT BOARD STUDY. At least once every 10 years and at any other time the board considers necessary to implement Section 8804.152, the staff of the Texas Water Development Board shall make a complete study of the groundwater in the district and determine:

- (1) the water level;
- (2) the rates and amounts of groundwater withdrawal;
- (3) the rates and amounts by which the groundwater is recharged;
- (4) rainwater levels; and
- (5) other information relating to the groundwater availability of the aquifer.

Sec. 8804.162. LOCAL STUDY OF GROUNDWATER AVAILABILITY. (a) Except as provided by Subsection (b), not later than the 10th anniversary of the date on which the district is confirmed, the district shall complete a study to determine whether there is sufficient groundwater to amend the permit granted under Section 8804.153(a) to the City of Del Rio as authorized by Section 8804.153(a).

(b) In place of the district's study, the City of Del Rio may perform a study of the groundwater availability in the district and the board shall rely on the city's study if the city's study meets the criteria of the Texas Water Development Board study required by Section 8804.161 and the Texas Water Development Board study has not been completed or is otherwise unavailable.

Sec. 8804.163. MORATORIUM ON TRANSFER PERMITS. (a) Except as provided by Subsection (d), the district shall impose a moratorium on the issuance of permits for the transfer of groundwater during each period set aside to conduct and consider a groundwater study under Section 8804.161.

(b) Except for the initial study, the district by rule shall specify the length of the period set aside to conduct and consider groundwater studies under Section 8804.161.

(c) The district may not issue a permit for the transfer of groundwater until:

- (1) an initial groundwater study under Section 8804.161 is completed and submitted to the district; and
- (2) the spring flow and groundwater availability advisory panel makes a determination under Section 8804.164 of the:
  - (A) flow of each spring in the district; and
  - (B) groundwater availability in the district.

(d) The board by emergency order may issue a permit during a moratorium on the affirmative vote of at least five directors.

Sec. 8804.164. SPRING FLOW AND GROUNDWATER AVAILABILITY ADVISORY PANEL. (a) Not later than the 90th day after the date on which the first permanent directors are elected, the board shall appoint a spring flow and groundwater availability advisory panel to determine the minimum spring flow of each spring and the groundwater availability in the district and recommend to the board the maximum groundwater withdrawal rate that should be permitted by the district to achieve or maintain at least those minimum flows and that groundwater availability.

(b) The advisory panel shall be composed of the following members:

- (1) two members who represent the City of Del Rio;
- (2) two members who represent agricultural interests and each own a minimum of 5,000 acres of land in the district;
- (3) two members who represent the interests of and are riparian landowners in the district;
- (4) one member who represents rural water suppliers;
- (5) one member who represents environmental interests; and
- (6) one member who represents a water marketing group, or, if the board is unable to locate a person to represent water

marketing, a member appointed by the board.

(c) The advisory panel shall develop and submit to the board recommendations for limitations on groundwater withdrawal rates consistent with maintaining minimum spring flows and groundwater availability. In developing the recommendations, the panel shall consider:

(1) the results of the Texas Water Development Board study required by Section 8804.161 and the findings of any other study presented to the panel;

(2) the best available science;

(3) the water level;

(4) the rate and amount of groundwater withdrawal;

(5) the rate and amount of groundwater recharge;

(6) underflow from outside the district;

(7) information related to the availability of groundwater in the district for withdrawal;

(8) spring discharge rates as a function of groundwater withdrawal rates;

(9) historical data;

(10) drought period management; and

(11) other factors required to be considered by the board.

(d) The district shall provide the advisory panel with:

(1) any information the district has that is relevant to the work and purpose of the panel; and

(2) any support necessary to determine spring flows and groundwater availability in the district.

(e) The board shall review the recommendations submitted by the advisory panel under Subsection (c) and shall consider them in conjunction with other factors, including the present and future needs for water related to water supply planning in Val Verde County.

(f) The board may accept or reject the advisory panel's recommendations, but the board may not change the determination of the panel regarding the limitations on groundwater withdrawal rates necessary to achieve or maintain at least the minimum spring flows and groundwater availability.

[Sections 8804.165-8804.200 reserved for expansion]

#### SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 8804.201. LIMITATION ON TAXES. (a) The district may not levy ad valorem taxes at a rate that exceeds five cents on each \$100 of assessed valuation of taxable property in the district.

(b) The district may not levy ad valorem taxes at a rate that exceeds 2-1/2 cents on each \$100 of assessed valuation of taxable property in the district for the first two tax years after the district's confirmation.

(c) Not later than the seventh anniversary of the date on which the district is confirmed, the district shall maintain in reserve at all times not less than six months and not more than two years of operating capital. If the district's reserve operating capital at any time exceeds the amount needed to operate the district for two years, the district must:

(1) reduce taxes so as not to collect more revenue than is needed to operate the district; or

(2) perform a recharge project with the excess revenue.

Sec. 8804.202. FEES. (a) The board by rule may impose reasonable fees on each well:

(1) for which a permit is issued by the district; and

(2) that is not exempt from district regulation.

(b) A production fee may be based on:

(1) the size of column pipe used by the well; or

(2) the amount of water actually withdrawn from the well, or the amount authorized or anticipated to be withdrawn.

(c) The board shall base the initial production fee on the criteria listed in Subsection (b)(2). The initial production fee:

(1) may not exceed:

(A) \$0.25 per acre-foot for water used for agricultural irrigation; or



(B) \$0.0425 per thousand gallons for water used for any other purpose; and

(2) may be increased at a cumulative rate not to exceed three percent per year.

(d) In addition to the production fee authorized under this section, the district may assess an export fee on groundwater from a well that is produced for transport outside the district.

(e) Fees authorized by this section may be:

(1) assessed annually or monthly; and

(2) used to pay the cost of district operations.

Sec. 8804.203. EXEMPTION FROM FEES. (a) Except as provided by Subsection (b), the district may not impose a fee on a well drilled by a nonprofit rural water supply corporation, water district, or other political subdivision if the well's production is for use within the district.

(b) The district by emergency order of the board may impose a reasonable and temporary production fee on a well described by Subsection (a) if:

(1) at least five of the directors approve the emergency order;

(2) severe drought or another district emergency makes the fee necessary; and

(3) the term of the order does not exceed 180 days.

SECTION 5. APPOINTMENT OF TEMPORARY DIRECTORS. (a) Not later than the 45th day after the effective date of this Act:

(1) the Val Verde County Commissioners Court shall appoint one temporary director from each of the four commissioners precincts in the county to represent the precinct in which the temporary director resides;

(2) the county judge of Val Verde County shall appoint one temporary director who resides in the district to represent the district at large; and

(3) the Del Rio City Council shall appoint two temporary directors, each of whom resides in the district, to represent the district at large.

(b) Of the temporary directors appointed under Subdivisions (1) and (2), Subsection (a) of this section, at least one director must represent rural water suppliers in the district, one must represent agricultural interests in the district, one must represent industrial interests in the district, and one must represent municipal water suppliers.

(c) If there is a vacancy on the temporary board of directors of the district, the authority who appointed the temporary director whose position is vacant shall appoint a person to fill the vacancy in a manner that meets the representational requirements of this section.

(d) Temporary directors serve until the earliest of the date:

(1) temporary directors become initial directors as provided by Section 9 of this Act;

(2) the confirmation election under Section 8 of this Act fails to pass; or

(3) this Act expires under Section 13 of this Act.

SECTION 6. LIMITED POWERS AND DUTIES OF TEMPORARY BOARD OF DIRECTORS. (a) The temporary board may only:

(1) hold an election under Section 8 of this Act;

(2) manage the day-to-day governance of the district;

(3) make administrative and nondiscretionary decisions; and

(4) establish temporary fees under Section 36.206, Water Code.

(b) The temporary board does not have rulemaking or permitting authority.

(c) Any procedures, fees, or policies established by the temporary board are subject to ratification by the permanent directors elected under Section 10 of this Act.

SECTION 7. ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS. As soon as practicable after all the temporary directors have qualified under Section 36.055, Water Code, a majority of the

temporary directors shall convene the organizational meeting of the district at a location within the district agreeable to a majority of the directors. If no location can be agreed upon, the organizational meeting shall be at the Val Verde County Courthouse.

SECTION 8. CONFIRMATION ELECTION. (a) The temporary directors shall hold an election to confirm the creation of the district.

(b) Subsection (a), Section 41.001, Election Code, does not apply to a confirmation election held as provided by this section.

(c) Except as provided by this section, a confirmation election must be conducted as provided by Subsections (b) through (i), Section 36.017, Water Code, and the Election Code.

(d) The district may hold a subsequent confirmation election if the previous confirmation election fails to pass. A subsequent confirmation election may not be held sooner than one year after the date of the previous confirmation election.

(e) The confirmation election ballot shall be printed to permit voting for or against the proposition: "To create the Val Verde County Groundwater Conservation District and to authorize the district to impose an ad valorem tax at a rate not to exceed 2.5 cents for each \$100 valuation of all taxable property in the district for the first two tax years after the district's confirmation and at a rate not to exceed 5 cents for each \$100 valuation of all taxable property in the district after the second tax year."

(f) If a majority of the voters voting at a confirmation election under this section do not vote in favor of the ballot proposition, the proposition fails and the temporary board is dissolved. The authorities that appointed the temporary board may agree to establish a new temporary board in the manner provided by Section 5 of this Act. A person who served on the original or a subsequent temporary board is eligible to serve on another temporary board. Each temporary board has the duties and powers provided by this section and Sections 6 and 7 of this Act.

(g) If the establishment of the district is not confirmed at an election held under this section before September 1, 2010, the district is dissolved, except that:

(1) any debts incurred shall be paid;

(2) any assets that remain after the payment of debts shall be transferred to Val Verde County; and

(3) the organization of the district shall be maintained until all debts are paid and remaining assets are transferred.

SECTION 9. INITIAL DIRECTORS. (a) If creation of the district is confirmed at an election held under Section 8 of this Act, the temporary directors of the district become the initial directors of the district and serve on the board of directors until permanent directors are elected under Section 10 of this Act.

(b) The initial directors have the powers and duties of the temporary directors under Subdivisions (2), (3), and (4), Subsection (a), and Subsections (b) and (c), Section 6 of this Act, and shall hold an election for permanent directors under Section 10 of this Act.

SECTION 10. ELECTION OF PERMANENT DIRECTORS. (a) The initial directors serve until the first regularly scheduled election of directors under Subsection (b) of this section.

(b) On the uniform election date prescribed by Section 41.001, Election Code, in November of the first even-numbered year after the year in which the district is authorized to be created at a confirmation election, an election shall be held in the district for the election of seven directors. The elected directors shall draw lots to determine which three directors shall serve terms lasting until the first regularly scheduled election under Section 8804.103, Special District Local Laws Code, as added by this Act, and which four shall serve until the second regularly scheduled directors election.

SECTION 11. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published

9-1 as provided by law, and the notice and a copy of this Act have been  
9-2 furnished to all persons, agencies, officials, or entities to which  
9-3 they are required to be furnished under Section 59, Article XVI,  
9-4 Texas Constitution, and Chapter 313, Government Code.

9-5 (b) The governor has submitted the notice and Act to the  
9-6 Texas Commission on Environmental Quality.

9-7 (c) The Texas Commission on Environmental Quality has filed  
9-8 its recommendations relating to this Act with the governor, the  
9-9 lieutenant governor, and the speaker of the house of  
9-10 representatives within the required time.

9-11 (d) All requirements of the constitution and laws of this  
9-12 state and the rules and procedures of the legislature with respect  
9-13 to the notice, introduction, and passage of this Act are fulfilled  
9-14 and accomplished.

9-15 SECTION 12. STUDY COMPLETION. Not later than the last day  
9-16 of the 18th month after the month in which the district is confirmed  
9-17 at an election held for that purpose, the Texas Water Development  
9-18 Board shall complete the initial study required by Section  
9-19 8804.161, Special District Local Laws Code, as added by this Act,  
9-20 and deliver the findings of the study to the board.

9-21 SECTION 13. EXPIRATION. (a) If the creation of the  
9-22 district is not confirmed at a confirmation election held under  
9-23 Section 8 of this Act before September 1, 2010, this Act expires on  
9-24 that date.

9-25 (b) The expiration of this Act does not affect the liability  
9-26 of the district to pay any debt incurred or the transfer of any  
9-27 assets remaining to Val Verde County as required by Subsection (g),  
9-28 Section 8 of this Act.

9-29 SECTION 14. EFFECTIVE DATE. This Act takes effect  
9-30 immediately if it receives a vote of two-thirds of all the members  
9-31 elected to each house, as provided by Section 39, Article III, Texas  
9-32 Constitution. If this Act does not receive the vote necessary for  
9-33 immediate effect, this Act takes effect September 1, 2005.

9-34 \* \* \* \* \*

FAVORABLY AS SUBSTITUTED  
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 1896  
By Madla  
(Author/Senate Sponsor)  
5/16/05  
(date)

Sir:

We, your Committee on INTERGOVERNMENTAL RELATIONS, to which was referred the attached measure, have on 5/12/05, had the same under consideration and I am instructed to report it back with the recommendation (s) that it:

- ☒ do pass as substituted, and be printed
  - ☒ the caption remained the same as original measure
  - ☐ the caption changed with adoption of the substitute
- ☐ do pass as substituted, and be ordered not printed
- ☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

- A fiscal note was requested. ☒ yes ☐ no
- A revised fiscal note was requested. ☒ yes ☐ no
- An actuarial analysis was requested. ☐ yes ☒ no
- Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Frank Madla, Chairman	<input checked="" type="checkbox"/>			
Senator Kim Brimer, Vice-Chairman	<input checked="" type="checkbox"/>			
Senator Bob Deuell	<input checked="" type="checkbox"/>			
Senator Mario Gallegos	<input checked="" type="checkbox"/>			
Senator Jeff Wentworth	<input checked="" type="checkbox"/>			
TOTAL VOTES	<u>5</u>	<u>0</u>	<u>0</u>	<u>0</u>

COMMITTEE ACTION

- S260 Considered in public hearing
- S270 Testimony taken

Christine Wright  
COMMITTEE CLERK

Frank Madla  
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute  
Retain one copy of this form for Committee files

WITNESS LIST

SB 1896

SENATE COMMITTEE REPORT

Intergovernmental Relations

May 12, 2005 - 8:30AM

Registering, but not testifying:

For: Bristol, Valarie Director External Affairs (The Nature Conservancy of Texas), Austin,  
TX

## **BILL ANALYSIS**

Senate Research Center  
79R14028 SGA-F

C.S.S.B. 1896  
By: Madla  
Intergovernmental Relations  
5/12/2005  
Committee Report (Substituted)

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Texas faces a difficult challenge to develop water policies that serve state and regional interests. The Texas Constitution authorizes the creation of groundwater districts to plan, develop, and regulate the use of water. C.S.S.B. 1896 creates the Val Verde County Groundwater Conservation District, subject to approval at a confirmation election, to manage Val Verde's groundwater resources.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Val Verde County Groundwater Conservation District in SECTION 4 (Sections 8804.152, 8804.163, and 8804.202, Special District Local Laws Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. DEFINITIONS. Defines "board," "director," and "district."

SECTION 2. CREATION. Provides that a groundwater conservation district, to be known as the Val Verde County Groundwater Conservation District (district), is created in Val Verde County, subject to approval at a confirmation election under Section 8 of this Act.

SECTION 3. FINDINGS OF BENEFIT. Sets forth the purposes and benefits of the district.

SECTION 4. CONTINUING PROVISIONS OF DISTRICT. Amends Subtitle H, Title 6, Special District Local Laws Code, by adding Chapter 8804, as follows:

#### **CHAPTER 8804. VAL VERDE COUNTY GROUNDWATER CONSERVATION DISTRICT**

##### **SUBCHAPTER A. GENERAL PROVISIONS**

Sec. 8804.001. DEFINITIONS. Defines "agricultural use," "agriculture," "board," "director," "district," "domestic use," and "political subdivision."

Sec. 8804.002. NATURE OF DISTRICT. Provides that the district is a groundwater conservation district in Val Verde County created under Section 59 (Conservation and Development of Natural Resources and parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI, Texas Constitution.

Sec. 8804.003. DISTRICT PURPOSE. Sets forth the purposes of the district.

[Reserves Sections 8804.004-8804.050 for expansion]

##### **SUBCHAPTER B. TERRITORY**

Sec. 8804.051. BOUNDARIES. Provides that the boundaries of the district are coextensive with the boundaries of Val Verde County, Texas.

[Reserves Sections 8804.052-8804.100 for expansion]

## SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 8804.101. BOARD. Provides that the board of directors of the district (board) consists of seven directors.

Sec. 8804.102. METHOD OF ELECTING DIRECTORS: COMMISSIONERS PRECINCTS. (a) Requires the directors of the district to be elected according to the commissioners precinct method as provided by this section.

(b) Requires three directors to be elected by the voters of the entire district, and one director to be elected from each county commissioners precinct by the voters of that precinct.

(c) Requires a person, except as provided by Subsection (e), to be eligible to be a candidate for or to serve as director at large, to be a registered voter in the district. Requires a person to be a registered voter of that precinct to be a candidate for or to serve as director from a county commissioners precinct.

(d) Requires a person to make certain indications on the application for a place on the ballot.

(e) Requires, when the boundaries of the county commissioners precincts are redrawn after each federal decennial census to reflect population changes, a director in office on the effective date of the change, or a director elected or appointed before the effective date of the change whose term of office begins on or after the effective date of the change, to serve in the precinct from which elected or appointed even though the change in boundaries places the person's residence outside the precinct from which the person was elected or appointed.

Sec. 8804.103. ELECTION DATE. Requires the district to hold an election to elect the appropriate number of directors on the uniform election date prescribed by Section 41.001 (Uniform Election Dates), Election Code, in November of each even-numbered year.

Sec. 8804.104. TERMS. (a) Provides that directors serve staggered four-year terms.

(b) Authorizes a director to serve for consecutive terms.

Sec. 8804.105. COMPENSATION. (a) Provides that a director is not entitled to receive fees of office for performing the duties of a director.

(b) Authorizes the board to authorize a director to receive reimbursement for the director's reasonable expenses incurred while engaging in activities outside the district on behalf of the board.

[Reserves Sections 8804.106-8804.150 for expansion]

## SUBCHAPTER D. POWERS AND DUTIES

Sec. 8804.151. POWERS AND DUTIES. Provides that except as otherwise provided by this chapter, the district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36 (Groundwater Conservation Districts), Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8804.152. PERMIT TO TRANSFER GROUNDWATER. (a) Requires the district by rule to require a person to obtain a permit from the district to transfer groundwater out of the district and regulate the terms of a transfer of groundwater out of the district.

(b) Requires the district to develop rules under this section that are consistent with the requirements of Section 36.122 (Transfer of Groundwater Out of District), Water Code.

(c) Requires the district to use a groundwater availability model, and not historical use, as the basis for issuing permits.

(d) Provides that a permit issued under this section, except for a permit issued under Section 8804.153(a), does not establish historical use.

(e) Provides that in the event of a conflict between the information provided by the groundwater study conducted under Section 8804.161 and the recommendations submitted under Section 8804.164 regarding the minimum flow requirements for any spring in the district, the Texas Water Development Board (TWDB) study under Section 8804.161 controls for the purposes of development of rules under this section.

Sec. 8804.153. PERMITS FOR USE SOLELY INSIDE DISTRICT. (a) Requires the district to grant the City of Del Rio (city) a permit in the city's name that authorizes the city to pump from all city wells a stated cumulative amount of not less than 15,000 acre-feet of water annually for use solely inside the district. Requires the district to amend the city's permit to authorize the city to pump from all city wells a stated cumulative amount of not less than 20,000 acre-feet of water annually for use solely inside the district if the study performed under Section 8804.162 finds that sufficient groundwater is available. Provides that this subsection does not limit the city's right to apply for or obtain a permit to transfer groundwater under Section 8804.152.

(b) Requires the district to grant to a nonprofit rural water supply corporation, water district, or other political subdivision a permit that authorizes the water supply corporation, water district, or other political subdivision to pump from its wells annually a volume of water that is not less than the volume equal to twice its greatest water usage in a calendar year before the date the district is confirmed at an election held for that purpose, for use solely inside the district.

Sec. 8804.154. AGRICULTURAL USE PERMIT. (a) Requires, except as provided by Section 8804.155, the district to grant any application for an agricultural use permit for any well that is used solely for agricultural use inside the district. Requires the district to issue an agricultural use permit in an amount that is not less than five acre-feet of water per acre actually cultivated per year. Provides that an agricultural use permit is nontransferable and expires on the date the well ceases to be used solely for agricultural use inside the district.

(b) Provides that this section does not limit the well owner's right to apply for or obtain a permit to transfer groundwater under Section 8804.152.

Sec. 8804.155. LIMITATION ON WELL PERMIT REQUIREMENTS. (a) Prohibits the district from requiring a person to obtain a permit from the district for certain purposes.

(b) Requires the district to require a permit for certain wells that cease to be used solely for agricultural use. Authorizes the district to impose a fee on the well in a certain manner.

(c) Requires an owner of a well described by this section to register the well with the district.

(d) Entitles a well owner to a permit exemption under this section only if water from the well is used solely inside the district. Requires the well owner to obtain a permit if water from a well is not used solely inside the district.



Sec. 8804.156. REPLACEMENT WELL. (a) Provides that a new well that replaces an abandoned or decommissioned well is subject to the same permit requirements or exemption as the well it replaces if the replacement well meets certain specifications.

(b) Prohibits the district from requiring a person who repairs or modifies a well to obtain a permit for certain wells.

Sec. 8804.157. PROHIBITION ON DISTRICT PURCHASE, SALE, TRANSPORT, OR DISTRIBUTION OF WATER. Prohibits the district from purchasing, selling, transporting, or distributing surface water or groundwater for any purpose.

Sec. 8804.158. PROHIBITION ON DISTRICT USE OF EMINENT DOMAIN. Prohibits the district from exercising the power of eminent domain.

Sec. 8804.159. REGIONAL COOPERATION. Requires the district to take certain steps to provide for regional continuity.

Sec. 8804.160. WATER CONSERVATION INITIATIVE. Authorizes the district to create a water conservation initiative as described by Section 11.32, Tax Code.

Sec. 8804.161. TEXAS WATER DEVELOPMENT BOARD STUDY. Requires the staff of the TWDB, at least once every 10 years and at any other time the board considers necessary to implement certain rules, to make a complete study of the groundwater in the district and make certain determinations.

Sec. 8804.162. LOCAL STUDY OF GROUNDWATER AVAILABILITY. (a) Requires, except as provided by Subsection (b), not later than the 10th anniversary of the date on which the district is confirmed, the district to complete a study to determine whether there is sufficient groundwater to amend the permit granted under Section 8804.153(a) to the city as authorized by Section 8804.153(a).

(b) Requires the city, in place of the district's study, to perform a study of the groundwater availability in the district and requires the board may rely on the city's study if the city's study meets the criteria of the TWDB study required by Section 8804.161 and the TWDB study has not been completed or is otherwise unavailable.

Sec. 8804.163. MORATORIUM ON TRANSFER PERMITS. (a) Requires the district, except as provided by Subsection (d), to impose a moratorium on the issuance of permits for the transfer of groundwater during each period set aside to conduct and consider a groundwater study under Section 8804.161.

(b) Requires the district, except for the initial study, by rule to specify the length of the period set aside to conduct and consider groundwater studies under Section 8804.161.

(c) Prohibits the district from issuing a permit for the transfer of groundwater until certain conditions are met.

(d) Authorizes the board by emergency order to issue a permit during a moratorium on the affirmative vote of at least five directors.

Sec. 8804.164. SPRING FLOW AND GROUNDWATER AVAILABILITY ADVISORY PANEL. (a) Requires the board, not later than the 90th day after the date which the first permanent directors are elected, to appoint a spring flow and groundwater availability advisory panel (panel) to determine the minimum spring flow of each spring and the groundwater availability in the district and recommend to the board the maximum groundwater withdrawal rate that should be permitted by the district to achieve or maintain at least those minimum flows and that groundwater availability.

(b) Sets forth the composition of the panel.

(c) Requires the panel to develop and submit to the board recommendations for limitations on groundwater withdrawal rates consistent with maintaining minimum spring flows and groundwater availability. Requires the panel to take certain information into consideration in developing the recommendations.

(d) Requires the district to provide the panel with certain information and support.

(e) Requires the board to review the recommendations submitted by the advisory panel under Subsection (c) and to consider them in conjunction with other factors, including the present and future needs for water related to water supply planning in Val Verde County.

(f) Authorizes the board to accept or reject the advisory panel's recommendations, but prohibits the board from changing the determination of the panel regarding the limitation on groundwater withdrawal rates necessary to achieve or maintain at least the minimum spring flows and groundwater availability.

[Reserves Sections 8804.165-8804.200 for expansion.]

#### SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 8804.201. LIMITATION ON TAXES. (a) Prohibits the district from levying ad valorem taxes at a rate that exceeds five cents on each \$100 of assessed valuation of taxable property in the district.

(b) Prohibits the district from levying ad valorem taxes at a rate that exceeds 2-1/2 cents on each \$100 of assessed valuation of taxable property in the district for the first two tax years after the district's confirmation.

(c) Requires the district, not later than the seventh anniversary of the date on which the district is confirmed, to maintain in reserve at all times not less than six months and not more than two years of operating capital. Sets certain requirements of the district's reserve operating capital at any time exceeds the amount needed to operate the district for two years.

Sec. 8804.202. FEES. (a) Authorizes the board by rule to impose reasonable fees on certain wells.

(b) Authorizes the production fee to be based on certain information.

(c) Requires the board to base the initial production fee on certain criteria. Prohibits the initial production fee from exceeding certain limits.

(d) Authorizes, in addition to the production fee authorized under this section, the district to assess an export fee on groundwater from a well that is produced for transport outside the district.

(e) Sets forth certain guidelines for fees authorized by this section.

Sec. 8804.203. EXEMPTION FROM FEES. (a) Prohibits the district, except as provided by Subsection (b), from imposing a fee on a well drilled by a nonprofit rural water supply corporation, water district, or other political subdivision if the well's production is for use within the district.

(b) Authorizes the district by emergency order of the board to impose a reasonable and temporary production fee on a well described by Subsection (a) under certain conditions.

SECTION 5. APPOINTMENT OF TEMPORARY DIRECTORS. (a) Requires certain steps to be taken pertaining to the appointment of temporary directors not later than the 45th day after the effective date of this Act.

(b) Sets forth certain representation requirements of the temporary directors.

(c) Requires, if there is a vacancy on the temporary board of directors of the district, the authority who appointed the temporary director whose position is vacant to fill the vacancy in a manner that meets the representational requirements of this section.

(d) Provides that temporary directors serve until the earliest of certain dates.

SECTION 6. LIMITED POWERS AND DUTIES OF TEMPORARY BOARD OF DIRECTORS. (a) Sets forth duties of the temporary board.

(b) Provides that the temporary board does not have rulemaking or permitting authority.

(c) Provides that any procedures, fees, or policies established by the temporary board are subject to ratification by the permanent directors elected under Section 10 of this Act.

SECTION 7. ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS. Requires, as soon as practicable after all the temporary directors have qualified under Section 36.055, Water Code, a majority of the temporary directors to convene the organizational meeting of the district at a location within the district agreeable to a majority of the directors. Requires, if no location can be agreed upon, the organizational meeting to be at the Val Verde County Courthouse.

SECTION 8. CONFIRMATION ELECTION. (a) Requires the temporary directors to hold an election to confirm the creation of the district.

(b) Provides that Section 41.001(a), Election Code, does not apply to a confirmation election held as provided by this section.

(c) Requires, except as provided by this section, a confirmation election to be conducted as provided by Sections 36.017(b)-(i), Water Code, and the Election Code.

(d) Authorizes the district to hold a subsequent confirmation election if the previous confirmation election fails to pass. Prohibits a subsequent confirmation election from being held sooner than one year after the date of the previous confirmation election.

(e) Requires the confirmation election ballot to be printed to permit voting for or against the proposition. Sets forth specific language of proposition.

(f) Provides that if a majority of voters voting in a confirmation election under this section do not vote in favor of the ballot proposition, the proposition fails and the temporary board is dissolved. Authorizes the authorities that appointed the temporary board to agree to establish a new temporary board in the manner provided by Section 5 of this Act. Provides that a person who served on the original or subsequent temporary board is eligible to serve on another temporary board. Provides that each temporary board has the duties and powers provided by this section and Sections 6 and 7 of this Act.

(g) Provides that if the establishment of the district is not confirmed at an election held under this section before September 1, 2010, the district is dissolved. Sets forth certain guidelines for the dissolution of the district.

SECTION 9. INITIAL DIRECTORS. Provides that if creation of the district is confirmed at an election held under Section 7 of this Act, the temporary directors of the district become the initial directors of the district and serve on the board of directors until permanent directors are elected under Section 10 of this Act.

(b) Provides that the initial directors have the powers and duties of the temporary directors. Requires the initial directors to hold an election for permanent directors under Section 10 of this Act.

**SECTION 10. ELECTION OF PERMANENT DIRECTORS.** (a) Provides that the initial directors serve until the first regularly scheduled election of directors under Subsection (b) of this section.

(b) Requires, on the uniform election date prescribed by Section 41.001, Election Code, in November of the first even-numbered year after the year in which the district is authorized to be created at a confirmation election, an election to be held in the district for the election of seven directors. Requires the elected directors to draw lots to determine which three directors are required to serve terms lasting until the first regularly scheduled election under Section 8804.103, Special District Local Laws Code, as added by this Act, and which four are required to serve until the second regularly scheduled directors election.

**SECTION 11. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.** Provides that all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice introduction, and passage of this Act are fulfilled and accomplished.

**SECTION 12. STUDY COMPLETION.** Requires that not later than the last day of the 18th month after the date the district is confirmed at an election held for that purpose, the Texas Water Development Board complete the initial study required by Section 8804.161, Special District Local Laws Code, as added by this Act, and deliver the findings of the study to the board.

**SECTION 13. EXPIRATION.** (a) Provides that if the creation of the district is not confirmed at a confirmation election held under Section 8 of this Act before September 1, 2010, this Act expires on that date.

(b) Provides that the expiration of this Act does not affect the liability of the district to pay any debt incurred or the transfer of any assets remaining to Val Verde County as required by Section 8(g) of this Act.

**SECTION 14. EFFECTIVE DATE.** Effective date: upon passage or September 1, 2005.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**May 12, 2005**

**TO:** Honorable Frank Madla, Chair, Senate Committee on Intergovernmental Relations

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE:** SB1896 by Madla (Relating to the creation, administration, powers, duties, operation, and financing of the Val Verde County Groundwater Conservation District.), **Committee Report 1st House, Substituted**

<b>No fiscal implication to the State is anticipated.</b>
---

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JOB, DLBa

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**May 10, 2005**

**TO:** Honorable Frank Madla, Chair, Senate Committee on Intergovernmental Relations

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE:** SB1896 by Madla (Relating to the creation, administration, powers, duties, operation, and financing of the Val Verde County Groundwater Conservation District.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
---

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

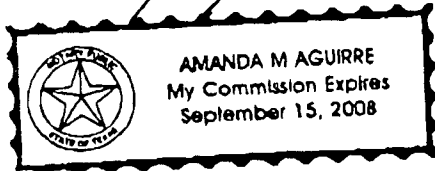
**LBB Staff:** JOB, DLBa

THE STATE OF TEXAS  
COUNTY OF VAL VERDE

PO# or Sort: \_\_\_\_\_  
Company Pete Gallego

### AFFIDAVIT

Before me, the undersigned authority, on this day personally appeared Mario Aguirre known to me, who, being by me duly sworn, on his oath deposes and says that he is the Advertising Manager of the Del Rio News-Herald a newspaper of general circulation published in said county; that said newspaper has been continuously and regularly published in said County for a period of more than one year; that a copy of the within and foregoing notice was published in said newspaper at least once a week for a period of 1 time(s) before the return day named herein, such publication being on the following date(s): 01/13/05



Mario Aguirre  
Mario Aguirre

Notary Public in and for Val Verde County, Texas:

Amanda Aguirre  
Amanda Aguirre

P. O. Box 1544, Del Rio, Texas 78841

The Court has authority in this suit to render an order in the child's interest that will be binding on you, including the termination of the parent-child relationship, the determination of paternity, and the appointment of a conservator with authority to consent to the child's adoption. Issued and given under my hand and seal of said Court at Del Rio, Texas, this the 6th day of January, A.D. 2005.



*Martha Mitchell*  
MARATHA MITCHELL  
Clerk of the District Courts  
Val Verde County, Texas  
P. O. Box 1544, Del Rio, Texas 78841

P. O. Box 1544, Del Rio, Texas 78841

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*Martha Mitchell*  
MARATHA MITCHELL  
Clerk of the District Courts  
Val Verde County, Texas  
P. O. Box 1544, Del Rio, Texas 78841

Public  
Notices

003

Public  
Notices

003

### PUBLIC NOTICE

This is to give notice of intent to introduce in the 79th Texas Legislature, Regular Session, a bill to be entitled "An Act relating to the creation, administration, powers, duties, operation, and financing of the Val Verde County Groundwater Conservation District."

Found

008

Lost

009

Found dog off Cantu Rd. 100 Years Eve. No tag. Call to identify 765-7307.

Lost Yorkie, at Wagon Wheel Road area. Call 734-1904. Reward!!!

Lost

009

Lost wallet at H-E-B area 1/6/05. Includes important information. Please call 788-2148.

Male black Lab mix w/red collar. Vicinity of Inspiration Way. Call 830-591-4400.

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5466, 775-4761, or  
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or around new homes.  
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# REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN  
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that SB 1896, by Madla,  
(Bill No.) (Author/Sponsor)

was heard by the Committee on IGR on 5/12,  
2005,

and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

Christine Wright  
(Clerk of the reporting committee)

**IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.**

S.B. No. 1896

By Madda

A BILL TO BE ENTITLED

AN ACT:

relating to the creation, administration, powers, duties, operation, and financing of the Val Verde County Groundwater Conservation District.

\_\_\_\_\_ Filed with the Secretary of the Senate  
MAY 09 2005 \_\_\_\_\_ Read and referred to Committee on INTERGOVERNMENTAL RELATIONS  
\_\_\_\_\_ Reported favorably \_\_\_\_\_  
MAY 16 2005 \_\_\_\_\_ Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.  
\_\_\_\_\_ Ordered not printed  
\_\_\_\_\_ Laid before the Senate  
\_\_\_\_\_ Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent  
\_\_\_\_\_ years, \_\_\_\_\_ nays  
\_\_\_\_\_ Read second time, \_\_\_\_\_, and ordered engrossed by: { unanimous consent  
a viva voce vote  
\_\_\_\_\_ years, \_\_\_\_\_ nays  
\_\_\_\_\_ Senate and Constitutional 3 Day Rule suspended by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.  
\_\_\_\_\_ Read third time, \_\_\_\_\_, and passed by: { A viva voce vote  
\_\_\_\_\_ years, \_\_\_\_\_ nays

\_\_\_\_\_  
SECRETARY OF THE SENATE

OTHER ACTION:

\_\_\_\_\_ Engrossed  
\_\_\_\_\_ Sent to House

Engrossing Clerk \_\_\_\_\_

\_\_\_\_\_ Received from the Senate  
\_\_\_\_\_ Read first time and referred to Committee on \_\_\_\_\_  
\_\_\_\_\_ Reported \_\_\_\_\_ favorably (as amended) (as substituted)  
\_\_\_\_\_ Sent to Committee on (Calendars) (Local & Consent Calendars)  
\_\_\_\_\_ Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)  
\_\_\_\_\_ Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting.  
\_\_\_\_\_ Read third time (amended); finally passed (failed to pass) by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)  
\_\_\_\_\_ Returned to Senate.

\_\_\_\_\_ Returned from House without amendment.

\_\_\_\_\_ Returned from House with \_\_\_\_\_ amendments.

\_\_\_\_\_ Concurred in House amendments by a viva voce vote \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_  
CHIEF CLERK OF THE HOUSE

\_\_\_\_\_ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

\_\_\_\_\_ Senate conferees instructed.

\_\_\_\_\_ Senate conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_

\_\_\_\_\_ House granted Senate request. House conferees appointed: \_\_\_\_\_, Chairman;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ Conference Committee Report read and filed with the Secretary of the Senate.

\_\_\_\_\_ Conference Committee Report adopted on the part of the House by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

\_\_\_\_\_ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

**OTHER ACTION:**

\_\_\_\_\_ Recommitted to Conference Committee

\_\_\_\_\_ Conferees discharged.

\_\_\_\_\_ Conference Committee Report failed of adoption by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays